

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference OJD: 04-50100408 P PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No. PCT/AU2003/001658	International Filing Date (day/month/year) 12 December 2003	Priority Date (day/month/year) 12 December 2002
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ F41H 7/04, 5/013		
Applicant VALIR PTY LTD et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- | | | |
|------|-------------------------------------|---|
| I | <input checked="" type="checkbox"/> | Basis of the report |
| II | <input type="checkbox"/> | Priority |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input type="checkbox"/> | Certain observations on the international application |

Date of submission of the demand 12 July 2004	Date of completion of the report 31 March 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer B. NGUYEN Telephone No. (02) 6283 2306

Best Available Copy

Basis of the report

With regard to the elements of the international application:*

☐ the international application as originally filed.☒ the description, pages 1 - 7, as originally filed,
pages , filed with the demand,
pages , received on with the letter of☒ the claims, pages 8 - 10, as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages , received on with the letter of☒ the drawings, pages 1/5 - 5/5, as originally filed,
pages , filed with the demand,
pages , received on with the letter of☐ the sequence listing part of the description:

pages , as originally filed

pages , filed with the demand

pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

Best Available Copy

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001658

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**Statement**

Novelty (N)	Claims	YES
	Claims 1 - 17	NO
Inventive step (IS)	Claims	YES
	Claims 1 - 17	NO
Industrial applicability (IA)	Claims 1 - 17	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 GB 2052695
D2 AU 42221/96
D3 WO 2002/039048

NOVELTY (N) Claims 1 - 17

Claims 1 - 17 is not novel in view of the cited documents, particularly document D1 discloses all the features as defined in these claims. For example compare claim 1 against document D1 wherein D1 discloses a protective apparatus (1) for a vehicle, the apparatus (1) comprising a structure of generally convex shape (see fig.2) adapted to be fitted to or form part of the vehicle. This apparatus is capable of resisting a force applied to the structure and the apex of the apparatus is disposed in a direction that is opposed to the direction of travel or movement of the force applied to the apparatus.

Dependent claims 2 to 17 do not appear to contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT with respect to novelty, the reason being that the additional features introduced by these claims are known from document D1.

INVENTIVE STEP (IS) Claims 1 - 17

These claims do not meet the requirements of the PCT with respect to inventive step because of the reasons as outlined above.

Claims 1 to 17 are industrially applicable.

Best Available Copy